



Paper No. 11

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: BOX INTERFERENCE

COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAILED

FEB 27 1998

PAT & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Filed by: Judge Michael Sofocleous
Telephone: (703) 308-9823
Facsimile: (703) 308-7953

Applicant: Burnette, III
Serial No.: 08/448,727
Filed: 05/24/95
For: MODIFIED PERTUSSIS TOXIN
Accorded Benefit of: U.S.
Serial Nos. 08/034,460,
filed 03/18/93; 07/232,482,
filed 08/17/88; and
07/094,307, filed 09/04/87;
all abandoned

This case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interference with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR § 1.601 et seq., effective February 11, 1985 (49 Fed. Reg. 48,416 (1984); 1050 Off. Gaz. Pat. & Trademark Office 385 (Jan. 29, 1985)), and amendments effective April 21, 1995. See Notice of Final Rule, 60 Fed. Reg. 14,488 (1995), reprinted in 1173 Off. Gaz. Pat. & Trademark Office 36 (Apr. 11, 1995). A clean copy of the interference rules, as amended, appears at 1173 Off. Gaz. Pat. & Trademark Office 384 (Apr. 18, 1995). The interference is designated as No. 104,147.

By direction of the Commissioner of Patents and Trademarks and as required by 35 U.S.C. § 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

Serial No. 08/448,727

The cases involved in this interference are:

Junior Party

Patentees:

MICHEL H. KLEIN
16 Munro Blvd.
Willowdale, Ontario
Canada, M5A 3M2

HEATHER A. BOUX
88 Timpson Dr.
Aurora, Ontario
Canada, L4G 5N4

STEPHEN A. COCKLE
159 Stephen St.
Richmond Hill, Ontario
Canada, L4C 5P9

SHEENA M. LOOSMORE
70 Crawford Rose Dr.
Aurora, Ontario
Canada, L4G 4R4

GAVIN R. ZEALEY
49 Bay Hill Dr.
Concord, Ontario
Canada, L4K 1G8

Serial No.: 07/589,423, filed 09/28/90, now U.S.
Patent No. 5,244,657, issued 09/14/93

For: GENETIC DETOXIFICATION OF PERTUSSIS TOXIN

Assignee: Connaught Laboratories Ltd.; Willowdale,
Canada

Attorneys of Record: Peter W. McBurney, Michael I. Stewart,
Thomas T. Rieder, Roger T. Hughes,
John H. Woodley, Stephen J. Perry,
Patricia A. Rae and John R. Orange

Associate Attorney: None

Accorded Benefit of: U.S. Serial No. 07/275,376, filed 11/23/88
and U.K. Patent Application 8727489, filed
11/24/87

Serial No. 08/448,727

Address: SIM & McBURNEY
Suite 701
330 University Ave.
Toronto, Ontario
M5G 1R7 Canada

Senior Party

Applicant: WALTER N. BURNETTE, III
1724 Campbell Ave.
Thousand Oaks, CA 91360

Serial No.: 08/448,727, filed 05/24/95

For: MODIFIED PERTUSSIS TOXIN

Assignee: Amgen, Inc.

Attorneys of Record: Julia E. Abers, Thomas E. Byrne,
Steven M. Odre, Pamela A. Simonton and
Robert D. Weist

Associate Attorney: Richard J. Mazza and Ron K. Levy

Accorded Benefit of: U.S. Serial Nos. 08/034,460, filed
03/18/93; 07/232,482, filed 08/17/88; and
07/094,307, filed 09/04/87; all abandoned

Address: U.S. Patent Operations/RJM
M/S 10-1-B
AMGEN INC.
Amgen Center
1840 Dehavilland Dr.
Thousand Oaks, CA 91320-1789

Count 1

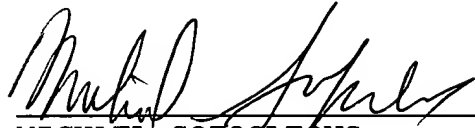
A polypeptide analog of Bordetella pertussis toxin S1 subunit, said analog differing in amino acid sequence from that of naturally occurring S1 subunit by substitution of a different amino acid residue at arginine 9, wherein the analog has a biological activity which (a) can elicit toxin neutralizing-levels of antibodies and (b) is substantially free of enzymatic activities associated with toxin reactogenicity.

Serial No. 08/448,727

The claims of the parties which correspond to this count
are:

Klein et al.: Claims 1-4

Burnette III: Claims 9, 11, 12, 15, 17-19, 21, 25 and 35



MICHAEL SOFOCLEOUS
Administrative Patent Judge
(703) 308-9823
(703) 308-7952

MS:clm

Serial No. 08/448,727

Attorneys for Klein et al.:

SIM & McBURNEY
Suite 701
330 University Ave.
Toronto, Ontario
M5G 1R7 Canada

Attorneys for Burnette III:

U.S. Patent Operations/RJM
M/S 10-1-B
AMGEN INC.
Amgen Center
1840 Dehavilland Dr.
Thousand Oaks, CA 91320-1789